

Minutes of Board Meeting
June 20, 2012
10:00 AM

Present

Trummie Patrick, Chairman
Lynda Coker
Anthony Heath
Todd Cowan
David Connell
Carolyn Roddy

Not in Attendance

Hunter Hill
Kelly Gay
Virginia Galloway

Also present via teleconference was Karla Dolby, Assistant Attorney General. The meeting was also attended by numerous DDS staff members and several Risk Reduction Program School owners.

Establish Quorum / Call to Order

Chairman Patrick confirmed the presence of a quorum and called the meeting to order at 10:05 AM.

Approval of Minutes

Chairman Patrick called for a motion regarding the minutes from the May 9, 2012 board meeting. Lynda Coker motioned to approve the minutes as presented; Todd Cowan seconded the motion with unanimous approval by the remaining board members.

Commissioner's Report

Commissioner Dozier reminded the board that DDS will be hosting the American Association of Motor Vehicle Administrators (AAMVA) Region II conference at the Marriott Marquis hotel in Atlanta in June 2013 and invited them to attend if their schedule would permit them to do so.

Mr. Dozier reviewed the press package which consisted mainly of articles related to the Secure/Real ID requirements that will become effective July 1, 2012.

Secure ID/Real ID Update: George Theobald, Project Manager, gave a brief PowerPoint presentation that updated the board on the progression of the Secure ID/Real ID project and reviewed the exceptions and waiver policies that have been established for those people who have been unable to obtain the required identity documents.

Commissioner Dozier informed the board that Ms. Beth Bridges, owner of the Douglas Area Driver Improvement Services, would make a presentation to the board on behalf of several school owners who offer the Risk Reduction Program regarding the rule change which eliminate the requirement for five paid contracts in order to hold the class. He stated that also present was Ms. Alicia McIver, owner of The Right Turn DUI & Defensive Driving School, who will be making a presentation on that same issue.

Mr. Dozier clarified the rule changing process. He stated that the initial approval of the rule took place at the May board meeting; however that is not the final adoption of the rule change. The initial approval is to open up the process to have the public hearing which is scheduled for June 27th and again on July 2nd where public comments can be submitted either in person or by mail. Once all the comments have been received they are compiled and submitted to the board for consideration of final adoption of the rule change. That would be at the July 11th board meeting unless that meeting is canceled due to not having a quorum, then it would be presented at the August 8th meeting.

Presentation

Ms. Beth Bridges gave a PowerPoint presentation regarding the rule change to 375-5-6-.15 - Intervention Component. The current rule states the class must consist of at least 5 students; however the rule change states that the “courses may be instructed, canceled, or rescheduled at the discretion of the Owner if fewer than 5 students appear for the first session.” The group of school owners present at the board meeting feels that it would be difficult to stretch material to cover the required 20 hours, when some of the material is based on interaction/discussion with other students. When it comes to behavioral change, they feel that it is the class interaction that makes the curriculum work and they believe that interaction would be lost with only 2 or 3 students. They are requesting the board vote against the rule change.

Ms. Alicia McIver, who is also petitioning the board for a waiver from 375-5-6-.15 for her school stated that she had come to the meeting in case the board had questions regarding her personal request for waiver and didn't know she would be doing a presentation. She states that she understands that it is more effective to have a group of students; however, her new school opened up in January 2012 and so far she has only been able to conduct one DUI class. She also has defensive driving which helps, but the business is not sustaining itself. She is getting 3-4 students right before a class is scheduled, but then she is unable to hold it because of the 5 student requirement. She feels since these people have taken off from work and chose to do a class on that particular weekend; that it is part of her responsibility to insure that they get what they ask for so she ends up transferring all of her students to other schools, so those schools are benefiting from her misfortune, The rule has not worked in her school's case and she wants to be able to sustain her business. As a result she is requesting a waiver from the requirement to be reduced to 3 students for a period of 6 months for her specific school.

Commissioner Dozier reminded the board of the letter that had been presented to them when the original two waivers were approved and the initial adoption of the rule change occurred. The letter was from Mr. Ray Daugherty of PRI who established the Risk Reduction Program curriculum. The initial letter stated that he did not believe the number of students was critical to the assessment program; however, in that letter he did state that the group is important and that

meeting the required number of students may be difficult. Since then he has sent a clarifying letter to be presented to the board that says he does have concerns for the integrity of the program not having the group dynamics.

Rule Changes for Initial Approval

Ms. Jennifer Ammons, General Counsel, presented the following rule changes for initial approval:

375-3-1-.02 - Applications and Supporting Documentation

375-3-1-.05 - Reciprocity for Valid Licenses Issued Elsewhere. Amended.

375-3-2-.01 - Renewal Expiration of License and Identification Card: When Licenses and Identification Cards May Be Renewed. Revised.

375-5-5-.01 - Organization. Amended.

375-5-5-.02 - Definitions. Amended.

375-5-5-.03 - Chauffeur ~~Permit~~ Endorsement Requirements. Amended

Upon completion, Chairman Patrick called for a motion. David Connell motioned to approve the initial rule changes as presented; Anthony Heath seconded the motion with unanimous approval by the remaining board members.

Petitions for Board Waiver

Ms. Jennifer Ammons, DDS General Counsel, reviewed the following petitions for waiver from Ga. Admin. Comp. Ch. 375-3-1-.02 – Documentation Required for Initial Issuance:

Valarie Snipes – She has moved to Georgia from Pennsylvania. She was born Valarie Smith but as a child her name was changed to Valarie Kennedy and that is the name she used throughout her life until she married and became Valarie Snipes. In support of her waiver request she has provided the birth certificate that bears the name Smith; her marriage license where she goes from Kennedy to Snipes; her Social Security Card; her Pennsylvania drivers license; her children’s birth certificates reflecting that her maiden name was Kennedy; her children’s Social Security Cards; a letter from the Department of Family Children Services; and her water and gas bills. Ms. Ammons stated that the Department would support approval of the waiver.

David Connell motioned to approve the request for waiver; Todd Cowan seconded the motion with unanimous approval by the remaining board members.

Kelly Geiger – She has moved to Georgia from Alabama and is seeking a driver’s license. She is unable to provide her birth certificate. She has discovered in her efforts to obtain a copy of her birth certificate that according to the information provided by her father, she and her twin brother were adopted. Unfortunately, he has not been very forthcoming in assisting

them any further. She has provided the following documents as proof of her identity: her Social Security card; student ID; Alabama driver license; daughter's birth certificate; email exchanges between herself and New York vital records; a handwritten document from Social Security which DDS would accept under the new rule were she born before January 1, 1930, however she is a much younger person.

David Connell asked Ms. Ammons what she would advise Ms. Geiger to do. Ms. Ammons replied that to be honest she doesn't know exactly what to tell her in as far as how to proceed in tracking down the information about her birth certificate but DDS can help her liaise with the people in New York to the extent that may be beneficial to her. However, one of the things missing from her petition which the board has seen in other somewhat similar cases is documentation that shows utilization of this name during her life. She did not provide documents such as school records, a marriage license, work records, baptismal record, or her name appearing on her parent's tax return. There are other avenues that she could pursue to acquire more documentation to prove her identity.

David Connell motioned to deny the request for waiver; Lynda Coker seconded the motion. The motion to deny the petition for waiver was unanimous by the remaining board members.

Audra Mathis – She is 82 years old and has moved to Georgia from Tennessee and would like to transfer her Tennessee driver license so she can purchase an automobile. She is unable to provide a birth certificate and has not produced her marriage license to prove her married name. She did provide a photograph of herself; her Tennessee driver license; her Social Security and Medicare cards; her parent's death certificates; and her school records.

Anthony Heath asked if the information provided is consistent with other approvals of similar cases. Ms. Ammons replied that under the new regulation if she were able to produce the numident letter from Social Security showing the history of her name; she would go through without any question because of her age. However, she has not provided that letter, only the documents previously stated to document her marriage; so it is not the strongest connection of the dots. Ms. Connell asked how difficult it is to obtain the history document from Social Security. Ms. Ammons replied you simply walk in and ask for it and they can print it out. Commissioner Dozier stated if she would go to Social Security and get that numident letter, she could move forward without a waiver.

David Connell motioned to approve the request for waiver contingent upon obtaining the numident letter from Social Security; Lynda Coker seconded the motion with unanimous approval by the remaining board members.

Steve Callarik – He has moved back to Georgia from Florida and wishes to get a drivers license. However, he is unable to produce his birth certificate He has indicated that his copy was destroyed in the 1940's when the ship he was on sank and the hospital where he was born burned down many years ago. He has provided a letter from Ohio vital records confirming the unavailability of his birth certificate; a copy of his bank statement, Military ID card and his DD-214; Social Security card; and a copy of his German marriage license. Since he has his DD-214, under the new rule, this petition would not have made it to the board, so the Department supports approval of this waiver.

Anthony Heath motioned to approve the request for waiver; Carolyn Roddy seconded the motion with unanimous approval by the remaining board members.

Flora Howe Boddie – She needs to renew her Georgia ID card that expired in 2001 but she has been unable to locate her birth certificate. She has her Social Security card; marriage license; a Form-1099 from the Social Security Administration; her Medicare Part D card; her expired Georgia ID card; and a letter from the Houston County Probate Court that states her birth certificate can not be found. Ms. Ammons stated that since she previously held a Georgia ID card the Department would support approval of the petition.

David Connell motioned to approve the request for waiver; Carolyn Roddy seconded the motion with unanimous approval by the remaining board members.

Oner Mack Holmes – He has moved to Georgia from Maryland and has not been able to obtain a copy of his birth certificate. He suspects that the name on his birth certificate would not be Oner Mack Holmes and he does not believe that he was born in a hospital. As a young child his mother registered him in school using his step-father's surname of Holmes which is the name he has used his entire life. He has provide a copy of his driver's license from Maryland; his Military ID card and DD-214; his Medicare card; voter ID card; marriage license; the adoption decree for his children; his deed; his car title; his employee's retirement; census records from 1920 and 1930 naming his mother; a 1940 census record for his grandfather; and a 1975 census record for himself. Ms. Ammons stated the Department would support approval of the waiver.

Lynda Coker motioned to approve the request for waiver; David Connell seconded the motion with unanimous approval by the remaining board members.

Minnie L. Horton Snead – Ms. Snead and Ms. Horton, the next petitioner, are sisters. Ms. Snead is 97 years old and has moved to Georgia from New Jersey to live with her daughter and is seeking an identification card. She does not have a birth certificate or her marriage license. She has provided her mother's death certificate although she is not specifically named on the death certificate; a census record from 1920 where she is mentioned; an ID card issued by the City of East Orange, New Jersey; and a copy of her daughter's marriage license where Ms. Snead is named as Linda's mother. Ms. Ammons stated that given her age, if Ms. Snead were to obtain a copy of the numident letter from Social Security, she could walk in to a customer service center with her proof of residency and obtain an ID card. However, the documents submitted in the petition do not provide enough information to prove her identity and the Department recommends denial of the waiver.

David Connell motioned to deny the request for waiver but asked that Ms. Ammons be very specific when notifying Ms. Snead and explain exactly what she needs to do in order to obtain the document from Social Security; Anthony Heath seconded the motion. The motion to deny the petition for waiver was unanimous by the remaining board members.

Willie M. Horton – She is 85 years old and has moved to Georgia from New Jersey with her sister, Ms. Snead, to live with her niece. She is also seeking an ID card and is also unable to provide a birth certificate. She has provided census records from 1930; a letter from her physician; a letter from Social Security; a Medicare card; and her mother's death certificate

but she is not named in the document. Ms. Ammons stated that in Ms. Horton's case, because she is using her maiden name, this situation is somewhat different from Ms. Snead's. Also, given her age, with the new July 1 rule change, the letter from Social Security would be sufficient.

Lynda Coker motioned to approve the request for waiver; David Connell seconded the motion with unanimous approval by the remaining board members.

Ms. Ammons reviewed the following petitions for waiver from Ga. Admin. Comp. Ch. 375-3-1-.24 - Name on License or Identification Card. Amended:

Charlotte McCann – She has moved to Georgia from New York and wants to get a drivers license. As a child, she assumed her step-father's surname, Jackson, but was never adopted by the step-father and her mother never did a court ordered name change. She has provide a copy of her birth certificate which shows Charlotte LeFlore; her marriage license showing that she went from Jackson to McCann; her school transcripts where she is shown as Jackson; her Social Security card which shows Jackson and McCann; and her New York driver's license showing McCann. Ms. Ammons stated that the Department recommends approval of the waiver.

Todd Cowan motioned to approve the request for waiver; Carolyn Roddy seconded the motion with unanimous approval by the remaining board members.

Catherine Pepper – She has moved back to Georgia from Louisiana. She misplaced her original birth certificate and has not been able to locate her post-adoption birth certificate and also an expired passport. Her letter indicates that she remembers on the post-adoption birth certificate, the spelling of her first name was changed from Catherine to Katherine, and there is a one day discrepancy on her date of birth from August 6 to August 7, 1956 but she is unsure if it was a typographical error or changed on purpose. She has provided a copy of her current Louisiana driver's license; her Social Security card and a letter from Social Security; her marriage certificate going from Holder to Pepper; her oldest child's birth certificate; and her high school diploma. Ms. Ammons indicated that her prior Georgia driving record has her name and date of birth as they were from the original birth certificate, so the Department would support approval of the petition.

Lynda Coker motioned to approve the request for waiver; David Connell seconded the motion with unanimous approval by the remaining board members.

Wilhelmina Hagins - She has been working with a Charlton County Probate judge to get an identification card. She was last issued an ID card in the late 1990's and it expired in 2000. She is unable to produce a copy of her marriage license because she was common-law married. She has provided a letter from the Department of Family and Children Services; her birth certificate; husband's death certificate in which she is named as his spouse; son's birth certificate; and a letter from IRS. Ms. Ammons stated that the Department would support approval of the waiver.

Lynda Coker motioned to approve the request for waiver; Anthony Heath seconded the motion with unanimous approval by the remaining board members.

Jean M. Zoerner – She has moved to Georgia from North Carolina and is unable to produce her marriage license. She has provided a print-out from a web-site where one would research how to get the marriage license; her birth certificate; her driving record from North Carolina which reflects that her driving privilege in that state is revoked due to medical concerns; a lease agreement; the numident letter from Social Security; and a copy of her North Carolina driver's license. Ms. Ammons stated that she would have to resolve the license revocation in North Carolina in order to be eligible for a Georgia driver's license, so currently she is only eligible for an ID card. She stated that the Department would support approval of the waiver for the ID card.

Carolyn Roddy motioned to approve the request for waiver; Anthony Heath seconded the motion with unanimous approval by the remaining board members.

Ms. Ammons reviewed the following petition for waiver from Ga. Admin. Comp. Ch. 375-5-6-.03 – Exclusions:

Justin Jay – South Georgia DUI School – He is asking for a waiver to allow him to take over ownership responsibility of his mother's bail bonding company. One of the prohibitions of the DUI School rules is that the owner of a DUI school can not be involved in a bail bonding business. The concern is that a bail bondsman who is bonding people out of jail on DUI charges would have the opportunity to unduly influence their customers and point them toward their own DUI School.

David Connell motioned to deny the request for waiver; Lynda Coker seconded the motion. The motion to deny the petition for waiver was unanimous by the remaining board members.

Cynthia Green – Peachtree DUI and Defensive Driving Clinic – She is renewing ownership of her DUI School and her husband owns a portion of a bonding company which makes her ineligible to renew. Her husband inherited his interest in the bonding company and is not an active participant. DDS has denied her application for renewal and it is on appeal with the Office of Administrative Hearings, but it is expected that they will affirm the decision because it is supported by the regulation.

Lynda Coker motioned to deny the request for waiver; Anthony Heath seconded the motion. The motion to deny the petition for waiver was unanimous by the remaining board members.

Ms. Ammons reviewed the following petition for waiver from Ga. Admin. Comp. Ch. 375-5-6-.15 – Intervention Component:

Alicia McIver – The Right Turn DUI and Defensive Driving – Ms. Ammons stated that as heard earlier in Ms. McIver's presentation, she is requesting that her school be allowed to hold DUI classes with only 3 students instead of 5 for a period of six months. Ms. Ammons stated that the rules to be voted on for final adoption in July will allow any school to have a lower number of students. She reminded the board that two such waivers had already been approved by the board in March and again in May; however, there was no time limit on them.

Mr. Connell asked if the rule change would revoke the two previously approved waivers. Ms. Ammons replied that those two waivers would remain in place into perpetuity until the rules were changed. Were the rules to be changed in July to allow any school to have a lower number

of students, the waivers would eventually become moot because the actions of the schools would be consistent with the regulation. Ms. Connell asked the time line for approval of the rule and its enforcement. Ms. Ammons replied there is a public hearing scheduled for June 27 and again on July 2 and the vote for the final adoption for the rule change would be July 11 assuming there is a quorum present for the meeting. Chairman Patrick stated that if the July meeting is canceled due to not having a quorum, the vote would then be taken at the August 8th board meeting. Mr. Connell asked Chairman Patrick his opinion on the waiver. Mr. Patrick responded that he feels since the board has previously approved two waivers and the rule change is still pending, to go ahead and approve Ms. McIver's petition for waiver for 3 students for a limit of six months.

Carolyn Roddy motioned to approve the request for waiver; Lynda Coker seconded the motion with unanimous approval by the remaining board members.

Old/New Business and Adjournment

Chairman Patrick reminded the board that the next board meeting is scheduled for July 11 at 10:00 A.M.

Since there was no further business to discuss, Chairman Patrick called for a motion to adjourn. Lynda Coker so motioned; Todd Cowan seconded the motion with unanimous approval by the remaining board members.